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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/727,480	12/04/2003	Daniel Patras	03-4315	6265

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NEW YORK, NY 10036

EXAMINER

NGUYEN, JIMMY T

ART UNIT PAPER NUMBER

3725

DATE MAILED: 03/09/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/727,480	Applicant(s) PATRAS, DANIEL	
	Examiner Jimmy T Nguyen	Art Unit 3725	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 December 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 04 December 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>12/4/03</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Specification

The disclosure is objected to because of the following informalities:

On page 9, line 15, the reference number "12" should be changed to --- 14 ---.

Appropriate correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-6, 8, 16-20 are rejected under 35 U.S.C. 102(b) as being anticipated by Inoue et al. (hereinafter "Inoue") (JP54129762A).

Regarding claims 1 and 16, 18, Inoue discloses a trash access compaction system comprising a cabinet (see fig. 1), a trash compacting mechanism (12) within the cabinet, the cabinet including a trash compaction compartment (fig. 1), a trash loading vestibule (4)(see illustration #1 below), the vestibule defining a downwardly sloped passageway (fig. 2), the vestibule having an entrance and a discharge outlet (see illustration #1 below), the entrance has higher elevation than the discharge outlet (fig. 2), a trash loading carriage (see illustration #1

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below) pivotally connected to the vestibule, the carriage including a first panel/lid and a second panel (see illustration #1 below).

Regarding claims 2 and 3, Inoue discloses the carriage in a structural as claimed (see illustration #1 below).

Regarding claims 4 and 19, the carriage is pivotally connected to the vestibule adjacent a lower edge of the vestibule entrance (see illustration #1 below).

Regarding claim 5, the lid includes a hand grip (see illustration #1 below).

Regarding claims 6 and 17, the vestibule (4) projects forwardly of a front cabinet surface (fig. 1).

Regarding claim 8, Inoue discloses the vestibule, wherein the vestibule inherently having sidewalls (fig. 2) and the carriage includes projecting journals seated in a bearing surface of the sidewalls (15).

Regarding claim 20, Inoue discloses a method for providing safe access to a trash compactor, the method comprising the steps of:

providing a trash compactor (fig. 1) having a normally closed trash loading entrance and a normally open trash discharge outlet (see illustration # 1 below) for discharging trash into a trash compacting compartment (10),

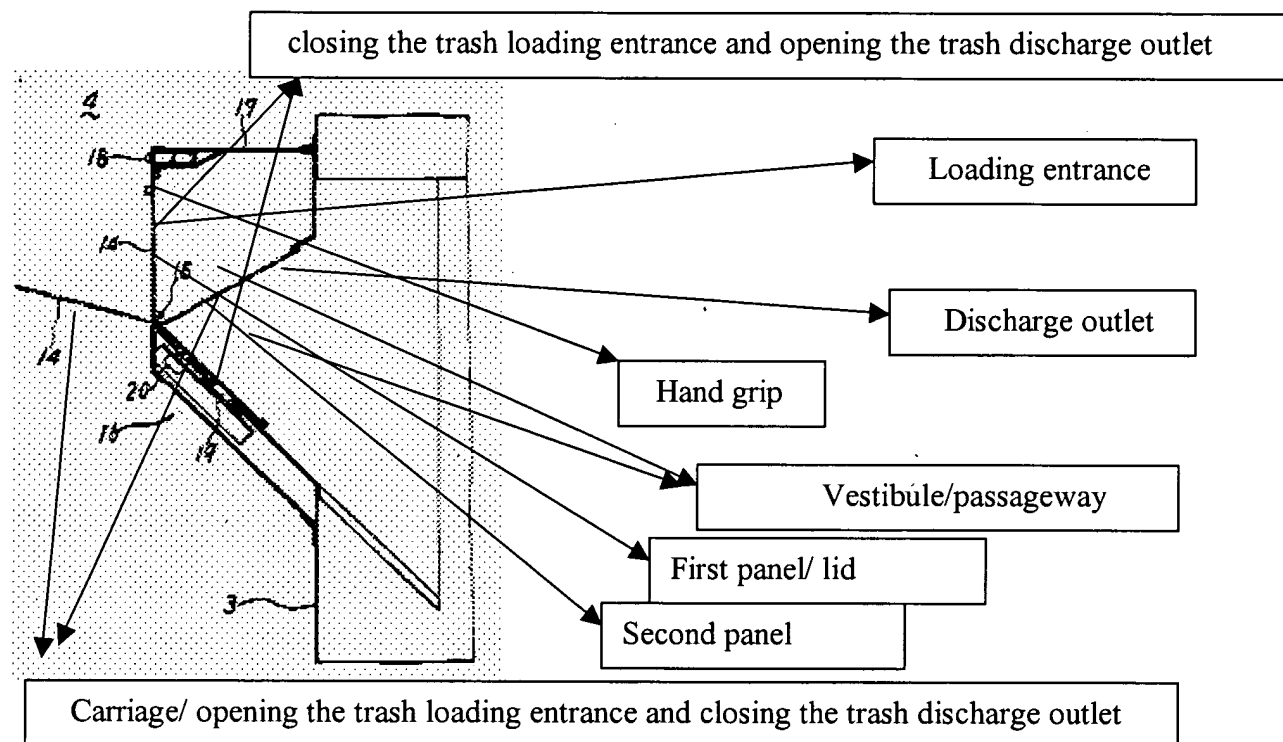
providing a confined trash passageway (see illustration #1 below) between the trash loading entrance and the trash discharge outlet,

opening the trash loading entrance and closing the trash discharge outlet (see illustration #1 below),

depositing a trash load in the passageway (see abstract), and

discharging the trash load into the trash compaction compartment after closing the trash loading entrance and opening the trash discharge outlet (see illustration #1 below).

Illustration #1:



Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Inoue et al. (hereinafter "Inoue") (JP54129762A) in view of Fiterman et al. (hereinafter "Fiterman") (US 5,137,212). Inoue discloses the invention substantially as claimed as set forth above except for a curved upper surface of the passageway. However, the patent to Fiterman, teaches a waste container comprises a downwardly passageway having a curved upper surface (46) in order to prevent a person from reaching inside the cabinet when a lid (32) is partially opened (col. 2, lines 12-18). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to provide Inoue's passageway with a curved upper surface (46), as taught by Fiterman, in order to prevent a person from reaching inside the cabinet when the lid is partially opened.

Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Gould (US 4,156,386) in view of Inoue et al. (hereinafter "Inoue") (JP54129762A). Gould discloses the trash compaction system as claimed except for a loading carriage. Gould discloses a vestibule having an entrance and a discharge outlet (fig. 10), a trash container (10) positioned in a trash compaction compartment (fig. 10) and a ram (56) as a compaction mechanism. Gould does not disclose that the vestibule having a pivoting loading carriage as claim. However, the patent to Inoue, in a compacting art discloses a compaction system comprising a vestibule (4), the vestibule having a trash loading carriage (see illustration #1 above) pivotally connected to the vestibule, the carriage including a first panel/lid and a second panel. Inoue teaches this construction of the vestibule in order to block the thrown in of the trash when an abnormal condition happened and to provide safety for collection of trash in building (abstract and title).

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Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to provide Gould's vestibule with a pivoting loading carriage, as taught by Inoue in order to block the thrown in of the trash when an abnormal condition happened and to provide safety for collection of trash in building.

Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Inoue et al., in view of Discepolo (US 5,001,978). Inoue discloses the invention substantially as claimed as set forth above except for the compaction mechanism is being a ram. Inoue discloses his compaction mechanism is a compacting screw (12) for compacting material into a container (13). However, the patent to Discepolo teaches that it is old and well known to provide a trash compacting system (10) having a ram (54) for compacting material into a container (12). Therefore, it would have been an obvious matter of design choice to substitute Inoue's compaction mechanism (i.e. using a compacting screw) with the type of compacting mechanism (i.e. using a compacting ram) as taught by Discepolo, since both of these type of compacting mechanism are well known in the compacting art and one ordinary skill in the art would have made a choice to provide a simple or convenient way of compacting material.

Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Gould (US 4,156,386) and Inoue et al. (hereinafter "Inoue") (JP54129762A), in further view of Taylor et al. (hereinafter "Taylor") (US 5,448,945). Gould, as modified by Inoue, discloses the invention substantially as claimed (see similar rejection to claim 9 above) except for the use of a battery as a power supply. However, the patent to Taylor teaches that it is old and well known in

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the compacting art to provide a compactor with a battery (142) as a power supply in order to operate the compactor. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to substitute Gould's power supply with a battery as taught by Taylor, as such would be a mere substitution of mechanical expedient in order to operating the compactor at a location without an electrical outlet.

Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Inoue et al. (hereinafter "Inoue ('762)"), in view of Inoue et al. (JP54146474A) (hereinafter "Inoue ('474)"). Inoue ('762) discloses the invention substantially as claimed as set forth above, Inoue ('762) further discloses the controller (fig. 3). Inoue ('762) does not disclose a sensor for detecting when deposit trash is in need of compaction. However, the patent to Inoue ('474), in a closely related compacting art, teaches a compaction system having a sensor (19) for detecting when deposit trash is in need of compaction (see abstract). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to provide Inoue ('762)'s compaction system with a sensor, as taught by Inoue ('474) in order to detect when deposit trash is in need of compaction.

Claims 13-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gould (US 4,156,386) and Inoue et al. (hereinafter "Inoue") (JP54129762A), in further view of May et al. (hereinafter "May") (US2002/0108597A1). Gould, as modified by Inoue, discloses the invention substantially as claimed (see similar rejection to claim 9 above). Gould discloses a controller (112). Gould does not disclose a sensor for determine the volume of the compacted

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trash and a signal device for indicating that the compacted trash is in need of collection.

However, the publication of May, teaches that it is old and well known in the compacting art, to provide a compactor having a sensor (30) and a signal device having a light (34) or a radio signal transmitter (paragraph 8, lines 5-6), wherein the sensor (30) and the signal device are being operatively couple to a controller (figs. 8-9) for determine the volume of the compacted trash and for indicating that the compacted trash is in need of collection, respectively (paragraph 63).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to provide Gould's compaction system with a sensor and a signal device, as taught by May, in order to determine the volume of the compacted trash and to indicate to the user that the compacted trash is in need of collection.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

US 4,436,026 and US 4,706,560, each discloses a compactor having a vestibule.

US 5,137,212 discloses waste container having a carriage (32) including a first panel/lid (34) and a second panel (36).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jimmy T Nguyen whose telephone number is (571) 272-4520.

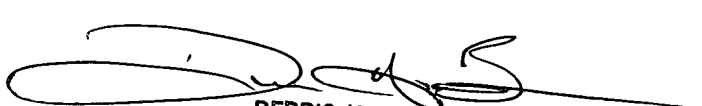
The examiner can normally be reached on Mon-Thur 8:00am - 6:30pm.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Derris Banks can be reached on (571) 272- 4419. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JTNguyen
February 25, 2005



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